

**DISTRICT OF COLUMBIA
DOH OFFICE OF ADJUDICATION AND HEARINGS**

DISTRICT OF COLUMBIA
DEPARTMENT OF HEALTH
Petitioner,

v.

1457 PARK ROAD, L.L.C.
Respondent

Case No.: I-00-70319
I-00-70178

FINAL ORDER

On October 18, 2001, I issued an Order Regarding Partial Closure of a Matter in this case. That Order noted that Respondent had filed an untimely answer with a plea of Admit and had paid the \$1,000 fine sought by the Government for a violation of 21 DCMR 700.3. The October 18 Order required Respondent to pay the \$1,000 penalty required by D.C. Official Code §§ 2-1801.04(a)(2)(A) and 2-1802.02(f) for its failure to file a timely answer to the first Notice of Infraction served on August 20, 2001.¹ The Order noted that Respondent had not provided any explanation for its untimely filing, but provided that “Respondent may seek reconsideration of this order within fifteen (15) days, and may seek a suspension or reduction of the statutory penalty upon demonstration of good cause for the untimely answer and payment.”

On April 10, 2002, Respondent filed a motion for waiver of the statutory penalty, which I will treat as a motion for reconsideration of the October 18 Order. Respondent argued that the first Notice of Infraction was mailed to its mortgage holder in Chicago, and that it promptly answered the second Notice of Infraction, which was mailed to its proper address in the District

¹ Respondent’s answer was filed on October 12, 2001. Pursuant to D.C. Official Code §§ 2-1802.02(e), and 2-1802.05, its answer was due on September 10, 2001, twenty days after service.

of Columbia. Respondent offered no explanation for its delay of almost six months in filing the motion. On April 30, 2002, I issued an order permitting the Government to reply to Respondent's request. The Government elected not to file a reply.

Respondent's request is untimely and will be denied. The October 18 Order became final on November 7, 2002 pursuant to D.C. Official Code §§ 2-1802.04(a) and 2-1802.05 (15 days after service, plus five days for service by mail). Consequently, I may not alter it at this late date. *DOH v. Jewels of Ann Private School*, OAH No. I00-40204 at 3-4 (Order, February 4, 2002).

Accordingly, it is, this _____ day of _____, 2002:

ORDERED, that Respondent's Motion for Reconsideration is **DENIED**; and it is further

ORDERED, that the \$1,000 penalty imposed by the order of October 18, 2002 remains in effect. As of the date of this Order, interest in the amount of \$120 has accrued on that amount pursuant to D.C. Official Code § 2-1802.03 (i)(1). Such interest shall continue to accrue at the rate of 1½ % per month or part thereof until paid.

FILED **06/05/02**

John P. Dean
Administrative Judge